

County of Fresno Ordinance

Chapter 4.10

SELECTION of ARCHITECTS, ENGINEERS and OTHER PROFESSIONALS

Sections:

4.10.010 Purpose

4.10.020 Definitions

4.10.030 Procedures implementing selections of consultants

4.10.010 Purpose.

- A. Section 4526 of the California Government Code provides that the selection of private firms providing professional architectural, engineering, environmental, land surveying, or construction project management services shall be on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. Section 4526 further provides that in order to implement this method of selection, local agencies contracting for such services may adopt by ordinance procedures that assure the engagement of such services on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the local agency. Such procedures shall assure maximum participation of small business firms, and specifically prohibit practices which might result in specified unlawful activities.
- B. It is the purpose of this chapter to adopt procedures which implement the selection method of Government Code Section 4526, and for the selection of consultants previously established by board policy.
- C. It is the finding of the board of supervisors of Fresno County that the procedures herein implement the method for selection of professional services identified in Government Code Section 4526, and that such procedures assure the engagement of such services on the basis of demonstrated competence and qualifications necessary for the satisfactory performance of the type of services to be performed, and at a fair and reasonable price to Fresno County.

(Ord. 90-028 § 1(part).)

4.10.020 Definitions.

The following words when used in this chapter shall have meaning ascribed to them, and all other words and phrases shall be given their ordinary meaning:

- A. “Board” means the board of supervisors of Fresno County.
- B. “Consultant” means an architect, professional engineer, environmental firm, land surveying firm, or construction project management firm, as used in Government Code Section 4526.
- C. “County” means the county of Fresno or its authorized representative.
- D. “Department” means the Fresno County Public Works and Development Services Department.
- E. “Policy” refers to that certain policy adopted by the Board of Supervisors, entitled “Policy for Selection and Compensation of Architectural/Engineering Consultants,” last revised on April 25, 1990, as amended from time to time.

(Ord. 90-028 § 1 (part).)

County of Fresno Ordinance

4.10.030 Procedures implementing selection of consultants.

A. 1. General. The procedures herein implement the selection of consultants on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required, by assuring engagement of services on the basis of demonstrated competence and professional qualification for the type of services to be performed and at a fair and reasonable price to the county. The general framework for each such procedure is:

- a. County shall have obtained pertinent information from consultants to be used to determine those consultants who have the demonstrated competence and professional qualifications necessary for satisfactory performance of the types of services to be performed. Such consultants are placed in the “qualified pool.”
- b. County shall then use pertinent information obtained from the consultants in the qualified pool for evaluation in accordance with the evaluation criteria set forth in the policy. Consultants passing evaluation are placed in the “candidate pool.”
- c. County shall obtain estimated fees from consultants who are placed in the “candidate pool.”
- d. County shall determine, based upon the estimated fees, those consultants from the “candidate pool” who can perform services at a price which is a fair and reasonable price to the county. Such consultants are placed in the “consultant pool” and are referred to as “finalists.”
- e. County shall engage a consultant from among the finalists, based upon the terms and conditions most advantageous to the county, to perform the services.

There shall be three procedures for the engagement of consultants: (1) Request for proposal (“RFP”); (2) informal proposals; or (3) contract extension. The applicability of a procedure to a public works project depends upon the construction costs or the estimated consultant fees involved for that project. Refer to the policy for the monetary parameters that apply to each procedure.

2. Requests for proposals. RFP’s are distributed to those consultants who previously expressed an interest in similar projects and are listed by the department for that purpose. Additional consultants may be added to that list at any time by written request.

Under this procedure, for projects identified as “large” projects in the policy, consultants are required to submit formal proposals setting forth their qualifications as well as detailed information on provision of project-related services. Consultants are provided a design program or description of the proposed project and needed services. Consultants are required to answer questions developed by the department. Responses will be utilized to determine those consultants with the demonstrated competence and professional qualifications necessary for the satisfactory performance of the types of services.

Responsive proposals shall be submitted to the department. The department will refer all responsible proposals to an evaluation committee for screening.

The evaluation committee shall then determine those consultants who have the demonstrated competence and professional qualifications necessary for the satisfactory performance of the types of services to be performed. Such consultants are placed in the qualified pool. The evaluation committee will next evaluate all qualified

County of Fresno Ordinance

consultants according to the evaluation criteria set forth in the policy. Such consultants are placed in the candidate pool. Consultants placed in the candidate pool shall be required to provide an estimated fee for the services to be performed, for a determination of those consultants who will perform services at a price which is a fair and reasonable price to the county. The evaluation committee shall then determine, based upon the estimated fee provided, those consultants within the candidate pool who shall perform the services at a price which is a fair and reasonable price to the county. Such consultants are placed in the consultant pool and are referred to as “finalists.”

After the finalists have been identified, the evaluation committee will recommend to the board for selection the consultant(s) among the finalists who shall provide the services upon terms and conditions most advantageous to the county. Upon direction by the board, the department will enter into negotiation with the selected consultant over the final terms and conditions for the engagement of such services.

3. Informal Proposals. Under this procedure, a consultant is selected from a list of qualified candidates. Interested consultants may be placed on the list by submitting a statement of qualifications and performance data on a county supplied form. The purpose of this statement is to obtain all pertinent information required of consultants for placement in a pool of consultant candidates with demonstrated competence and professional qualifications necessary for the types of services to be performed (the “qualified pool”). The department may, however, from time to time request additional information as deemed necessary or desirable. Statements are solicited by the department on an annual basis, but may be updated by participating firms at any time. Additional interested firms may be added to the list at any time by submitting the completed county supplied form.

Committee Selection. For projects identified as “intermediate” projects in the policy, an evaluation committee shall determine a candidate from the qualified pool based upon the evaluation criteria set forth in the evaluation committee shall then solicit an estimated fee from this candidate consultant. The department will then determine if this consultant shall perform services at a fair and reasonable price.

The evaluation committee will then select the consultant who shall provide the services upon terms and conditions most advantageous to the county. The department will enter into negotiations with the selected consultant over the final terms and conditions. The agreement will then be submitted to either the board of supervisors or the purchasing agent for approval, depending upon the amount of the fee.

Department selection. For projects identified as “small” projects in the policy, the department shall determine a candidate from the qualified pool based upon the evaluation criteria set forth in the policy. The department shall then solicit an estimated fee from this candidate consultant. The department will then determine if this consultant shall perform services at a fair and reasonable price.

The department will then select the consultant who shall provide the services upon the terms and conditions most advantageous to the county. The department will enter into negotiations with the selected consultant over the final terms and conditions. The agreement will then be submitted to the purchasing agent for approval.

4. Extension of Existing Contract or Multiphase Contracts. It may be more efficient or economical in certain cases to extend an existing contract or to enter into a multiphase

County of Fresno Ordinance

or multiyear contract. Extension of an existing contract is limited to cases where services are logically connected to an ongoing contract and should be constructed as a single project. A multiphase contract is negotiated under the RFP procedure but may not include feasibility studies, master plans or programming services. Negotiation for such services may be required at the end of each phase and prior to proceeding to the next phase. A multiyear contract is negotiated at the time of the original agreement to permit the county the option to extend the contract into future years.

Agreements for these services are to be negotiated by the department when appropriate and to be submitted to the board of supervisors or the purchasing agent for approval.

- B. Prohibited Practices. County employees shall not engage in practices which might result in unlawful activity including, but not limited to, rebates, kickbacks or unlawful consideration.

In addition, county employees shall not participate in the selection process when those employees have a relationship with a person or business entity seeking a contract under this chapter which would subject those employees to the prohibition of Section 87100 of the Government Code.

- C. Small Business Participation. The county departments involved in issuing the RFP or in seeking to engage professionals to provide consulting services herein shall evaluate whether small business firms, as defined by the State Director of General Services pursuant to Section 14837 of the Government Code, could be especially qualified for the proposed project. If the departments so conclude, they shall endeavor to provide a copy of each announcement for such projects to such small business firms that have indicated an interest in receiving any such information. A failure of a department or departments to provide a copy of an announcement to any firm or firms shall not operate to invalidate any contract herein.

(Ord. 90-028 § 1 (part).)

g\design\consultpolicyord\aeord4.10.doc